

### REMARKS

This amendment is submitted in response to the Examiner's Action dated February 7, 2007. Applicants have amended the claims to more clearly recite the features within the claims. Applicants have also added several new claims, which cover features of Applicants' invention that are recited by the specification (see page 10, lines 8-12, 16-21; page 18, line 17 - page 19, line 8; page 20, lines 8- 21; and page 21, lines 15 - 20). No new matter has been added, and the amendments overcome the various claim rejections and thus place the claims in better condition for allowance. Applicants respectfully request entry of the amendments to the claims. The discussion/arguments provided below reference the claims in their amended form.

### CLAIMS REJECTIONS UNDER 35 U.S.C. § 112

In the present Office Action, Claims 2, 7 and 8 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Claim 2 has been canceled and Claims 7 and 8 have been amended to now depend from Claim 1, which is not subject to the present 112 rejection. The cancellation of Claim 2 renders the present rejection moot.

### CLAIM REJECTIONS UNDER 35 U.S.C. § 102

In paragraph 4 of the present Office Action, Claims 2, 7-11 are rejected under 35 U.S.C. §102(e) as being anticipated by *Naven* (U.S. Patent No. 6,810,043). Claims 2 and 9 have been canceled and Claims 7-8 now depend on Claim 1. Independent Claim 10 has been amended to now recite, in more detail and with more clarity, the novel features that are not taught by *Naven*. The amendments to these claims overcome the §102 rejection, and Applicants respectfully request reconsideration of the rejection in light of the amendments.

Applicants hereby incorporate by reference the arguments proffered in Amendment D, previously filed on September 28, 2006. Specifically, as provided within those arguments, Applicants claims are not anticipated by *Naven* because *Naven* does not teach the following features of Applicants' Claims 10:

- (a) examining pre-defined characteristics associated with said queue to determine occupancy frames within said queue;
- (b) when the queue is not empty, identifying a current location at which the time pointer points;
- (c) selecting a location which is not earlier than the second location to re-attach the queue, wherein when the current location of the time pointer is not earlier than

the second location, the queue is reattached at the current location of the time pointer and when the current location is earlier than the second location, the queue is re-attached at the second location; and

(d) automatically servicing a data flow of the queue by causing a frame to be transmitted from said queue to an output destination when the time pointer of the time-based calendar points to the location at which the queue is re-attached.

*Naven* provides the ability to “deal effectively with events that are to be scheduled at widely disparate intervals... without requiring the calendars to be large...” by establishing a master-calendar scheduling range (SR) and then scheduling events (cell transmissions) on a master-calendar and placing later events on a slave calendar when the later events are scheduled at a time that is more than the master-calendar SR away, (emphasis added; Abstract; see Summary, col. 3, ll 41-56). *Naven* states that “[w]hen an event is to be scheduled, calendar control circuitry (24) makes an entry corresponding thereto in the slave calendar (12) if the interval between a current time and a desired scheduling time for the event exceeds said scheduling range.” Then, the control circuit monitors the slave calendar and “causes an entry therein whose corresponding event becomes within the scheduling range to be transferred to the master calendar (1).”

Applicants have reviewed the entire reference, including all of the sections cited by Examiner and Applicants have found no teaching or suggestion of the above list of features recited by Applicants’ claims. For example, nowhere within the cited sections is there a teaching or suggestion of a previously-calculated location being compared to a presently identified/determined location for attaching a source/queue to the calendar and then completing the attaching (scheduling) of the source/queue to a location that is determined based on certain conditions relative to that comparison. Given the failure of *Naven* to teach any of the above claim features, it appears that Examiner has mischaracterized the teachings of *Naven* and has relied on that mischaracterization to support the rejections.

The standard for a §102 rejection requires that the reference teach each element recited in the claims set forth within the invention. As clearly outlined above, *Naven* fails to meet this standard and therefore does not anticipate Applicants’ invention. Claims 9-11 are therefore allowable.

**CLAIM REJECTIONS UNDER 35 U.S.C. § 103**

In the present Office Action, Claims 12 and 13 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Naven*. Because these claims depend on independent Claim 11, which Applicants have already shown to be allowable, these claims are also allowable.

Further, Claims 1, 5 and 6 are rejected under 35 U.S.C. §103(a) as being unpatentable over Applicant's Admitted Prior Art (APA) in view of *Naven*. Again, Applicants object to the use of the Applicants' specification by Examiner to support the present rejections. Applicants further request Examiner provide independent support for the rejections via actual published references. Applicants make no statement herein as to the accuracy of Examiner's interpretation of the sections of Applicant's specification, which Examiner appears to be relying on. It is clear, however, that *Naven*'s system would not work within APA, or vice-versa, since no synergy is provided by the combination. One skilled in the art at the time of Applicants' invention would not have been inclined to implement two different scheduling mechanisms within a single application.

Assuming motivation for the combination could be found, the combination of *Naven* with the stated "APA" does not suggest to one skilled in the art the features recited by Applicants' claims. As recited by independent Claim 1, Applicants' invention provides the following features (among others):

a mechanism ... when a flow is added to an empty queue of a first source at a current scheduling time, determining whether that first source, which was previously assigned a first location in the time-based calendar, and whether the first source would have been assigned a previously-calculated second location of lower time priority than the current scheduling time had the queue not gone empty following completion of information dispatch when the first source was at the first location; and (b) when the source would have been assigned a previously-calculated second location of lower time priority, then (1) preventing the source from being placed at a the current scheduling time or a third location that is of higher priority than the previously-calculated second location in the time-based calendar and (2) placing the source at a location selected from among the previously-calculated location and a next location that is of lower priority than the previously-calculated location within the time-based calendar.

The limitations within *Naven* have already been described above with respect to the § 102 rejections and are incorporated herein to overcome the present § 103 rejections. Thus, the above

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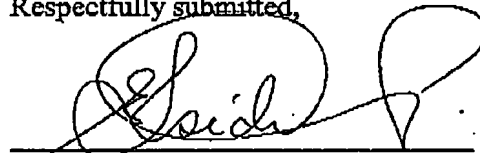
reference and combination does not render Applicants' claims unpatentable because the combination does not suggest key features recited by Applicants' claims, and those features would not have been obvious to one skilled in the art at the time of Applicants' invention. Claims 5 and 6 depend from Claim 1. Given the above reasons, the claims are therefore allowable over the combination.

CONCLUSION

Applicants have diligently responded to the Office Action by amending the claims to clarify features within specific claims and more clearly recite the novel features of Applicants' invention. Applicants have also provided arguments that explain why the claims are allowable over the *Naven* and combination of APA with *Naven*. Since the amendments and arguments overcome the §§ 102, 103, and 112 rejections, Applicants, respectfully request issuance of a Notice of Allowance for all claims now pending.

Applicants further respectfully request the Examiner contact the undersigned attorney of record at 512.343.6116 if such would further or expedite the prosecution of the present Application.

Respectfully submitted,



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